

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, August 9, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Pyle the reading of the journal was dispensed with.

Secretary carried to the House for concurrence Senate bills Nos. 45, 124, 141, 216, 309, 320, 341, 345, 146 and 332.

Also, House bills Nos. 49, 79, 197, 203, 389, 390, 493, 212, 256, 428, 491, and 417.

Reports of Committee on Judiciary:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL

President of the Senate:

SIR: The Committee on Judiciary, to whom was referred House bill No. 297, respectfully return the same to the Senate for its consideration. The business of the committee is such that due consideration of the bill cannot be had at present. Its object is certainly a good one, and many of the provisions of this bill are in accord with a bill heretofore passed by the Senate and sent to the House; the additional provisions of this bill we most respectfully refer to the consideration of the Senate, and if approved, the passage of the bill is earnestly recommended.

M. PRIEST,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 325, "An Act fixing the terms of the Supreme Court of the State of Texas, and authorizing and requiring the court to establish rules," have carefully considered the same, and I am instructed to report it back, with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred petition of George W. G. Brown, have had the same under consideration, and I am instructed to report the accompanying bill, entitled "An Act for the relief of George W. G. Brown, late clerk of the Supreme Court," and respectfully recommend its passage.

M. PRIEST,

Chairman of Committee.

Report and bill read first time, and laid over under the rules.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 282, "An Act to amend an act, to incorporate the Alamo Fire Association of San Antonio, Texas;" Senate bill No. 290, "An Act to incorporate the San Antonio Meat Extract Company;" Senate bill No. 306, "An Act to incorporate the San Antonio Turners' Hook and Ladder Company No. 1.;" Senate bill No. 324, "An Act to incorporate the Board of Fund Commissioners of the Trinity Conference, M. E. Church, South," and also, Senate bill No. 343, "An Act to incorporate a Bank of Discount and Deposit at Calvert," have had the same under consideration, and I am instructed to report them back, with the recommendation that they do pass.

M. PRIEST,

Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 269, "An Act to provide substitutes for certain documents and books destroyed by fire in the courthouse at Goliad;" also Senate bill No. 270, "An Act for the relief of Goliad county;" and Senate bill No. 187, "An Act for the relief of Harriet Williams, and the issue of said Harriet and Louis J. Brissette, deceased," have had the same under careful consideration, and I am instructed to report them back with the recommendation that they do pass.

M. PRIEST,

Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON. CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 219, "An Act for the incorporation of the Freedmen's Union Mutual Life Insurance and Trust Company of Texas;" Senate bill No. 271, "An Act to incorporate the town of Independence, Washington county, Texas;" and also Senate bill No. 182, "An Act to incorporate the Merchants' and Planters' Savings Bank of Texas," have carefully considered the same, and I am instructed to report them back to the Senate with the recommendation that they do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Report of Committee on Public Lands :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Public Lands, to whom was referred House bill No. 376, "for the relief of Andrew J. Nichols," having duly considered the same, instruct me to report it back to the Senate, and recommend its passage.

G. T. RUBY,
Chairman.

Report of Committee on Finance :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Finance Committee, to whom was referred "An Act for the relief of Jacob T. Chandler," instruct me to report it back to the Senate with a recommendation that it do pass.

J. S. MILLS,
Chairman.

Laid over under the rules.

Majority report of select committee on House bill No. 381 :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your special committee, to whom was referred House bill No. 381, entitled "An Act to provide for the mode and manner of

conducting elections, making returns, and for the protection and purity of the ballot-box," have carefully considered the same, and I am instructed by a majority of the committee to report it back, with accompanying amendments, and recommend that it do pass.

E. T. BROUGHTON,
Chairman of Committee.

Amendments to House bill No. 381 :

First amendment : Amend section three by striking out in the second line, after the word "office," and before the word "such," in the fourth line, the words "when there is no provision made for appointments to fill the same."

Second amendment : In section three, fourth line, strike out the word "sixty" and insert "thirty."

Third amendment : In section five, in line one, after the word "next," and before the word "general," insert the words "special or."

Fourth amendment : In section six insert before the first word "all," the words "until otherwise provided by law."

Fifth amendment : Substitute for section seven : Sec. 7. A special election shall be held on the first Tuesday after the first Monday in November, A. D. 1870, at which time district attorneys for the several judicial districts of the State shall be elected to serve until the next general election ; and there shall be elected, at the same time, Senators and Representatives to the State Legislature to fill such vacancies as may then exist ; also, at the same time, officers shall be elected to fill all State and county offices in which vacancies may exist, when the officers are required to be elected by the constitution ; and there shall be held at the same time, in the several Congressional districts of the State, as prescribed by the Constitutional Convention of 1869, an election for members to the Congress of the United States.

Sixth amendment : In section nine, strike out all of the section after the word "election," as it first occurs in third line.

Seventh amendment : Strike out all of section ten.

Eighth amendment : In section fourteen, in first line, after the words "clerks of elections" and before the word "shall," insert "and electors."

Ninth amendment : In section sixteen, in line two, after the word "vacant," and before the word "and," insert "after the special election hereinbefore provided to be held on the first Tuesday after the first Monday in November, 1871."

Tenth amendment : In section nineteen, in the third line from the bottom, strike out all after the word "misdemeanor."

Eleventh amendment : Strike out all of section twenty-one.

Twelfth amendment: Strike out all of section twenty-two.

Thirteenth amendment: In section twenty-eight, strike out all after the word "precinct," in third line.

Fourteenth amendment: In section thirty, in third line from bottom, after the word "conviction," strike out the remainder of the section, and insert "be punished as provided by law." And in third and fourth lines from bottom, same section, the word "misdemeanors" be stricken out, and the word "felonies" be inserted in lieu thereof.

Fifteenth amendment: In section thirty-one, in fifth line from bottom, strike out all after the word "felony," and insert "and shall be punishable as directed by law."

Sixteenth amendment: In section thirty-three, in thirteenth line after the word "poll," strike out all to the word "be," in the sixteenth line."

Seventeenth amendment: Strike out all of section thirty-five.

Eighteenth amendment: Strike out all of section thirty-seven.

Nineteenth amendment: In section forty-one, in third line, strike out all before the words "the mayor."

Twentieth amendment: In section forty-five insert the following as a substitute for the section: Sec. 45. That it shall be the duty of the county or police courts of the several counties to furnish the judges of elections with the necessary blanks and instructions for holding the county, district and State elections in their several counties, and for charter elections the same shall be furnished the board of aldermen of incorporated towns or cities.

Twenty-first amendment: Strike out all of section forty-six.

Twenty-second amendment: In section forty-seven, in third line from the bottom, after the words "be punished," strike out and insert "as provided by law."

Twenty-third amendment: Strike out sections 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 and 59.

Minority report:

COMMITTEE ROOM,
Austin, August 9, 1870

Hon. DON CAMPBELL,

President of the Senate:

SIR: The undersigned member of the select committee, to whom was referred House bill No. 381, has had the same under careful consideration, and begs leave to most respectfully dissent from the opinion of the majority of the committee, and to recommend the passage of the bill without amendments.

P. W. HALL.

Reports laid over under the rules.

On motion of Senator Hall rules suspended to take up an act, Senate bill No. 343, "To incorporate the Bank of Discount and Deposit at Calvert."

Rules suspended, bill read second time; rules further suspended, bill read third time and passed by the following vote:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Pickett, Priest, Pyle, Rawson, Ruby, Shannon—22.

Nays—None.

On motion of Senator Hertzberg the rules were suspended to take up House bill No. 392 "An Act to incorporate the city of San Antonio."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pickett, Priest, Pridgen, Rawson, Ruby Shannon—20.

Nays—Alford.

Sent to the House.

Senator Ruby offered the following resolution:

Resolved, That the Committee on Internal Improvements be and are hereby requested to report back to the Senate their action upon Senate bill No. —, "Incorporating the Galveston, Austin and Pacific Railroad Company."

Adopted.

Report of Committee on Internal Improvements:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The Committee on Internal Improvements to whom was referred Senate bill No. 280 entitled "An Act to aid in the construction of the Southern Trans-Continental Railroad," have considered the same. Accompanying this report are several amendments proposed by the committee. The amendments will modify, to some extent, the details of the measure, and, we think, more securely guard the interests of the State. The committee have previously reported a bill recommending like assistance by the State to the Southern Pacific Railroad. This bill and the one just referred to propose that the State shall guarantee the interest on the bonds of the two companies to the amount of \$25,000 per mile on about seven hundred miles of road, or about three hundred and fifty miles to

each company. That is on the Southern Pacific from Hallville west to the twenty-third degree west longitude, and in the Trans-Continental, from Jefferson to Texarkana and thence west to the same degree of longitude.

The committee believe that every necessary safeguard, to secure the State from risk or loss, has been incorporated in the bill. No bonds can issue and receive the State's guarantee of interest until twenty miles of road have been completed and ready for the use of the public, and been inspected and properly certified to the Governor by some person authorized by him to examine and report upon the same. The interest on the bonds of the company has to be met by the company six months in advance by payment of the money into the State Treasury, or by the deposit of such an amount of United States securities in the State Treasury as the Governor may deem sufficient to meet the demand. In case of default, in any particular, the Governor has the power to seize the road and operate the same until the interest due, and expenses incurred, are paid.

When the road is completed to the twenty-third degree of longitude west from Washington, two per cent. of the gross earnings of the road are to be paid into the treasury of the State, and be applied as a sinking fund for the redemption of the company's bonds.

In view of the fact that it is now almost certain that Congress intends to aid in the construction of a railroad through Texas to the Pacific Ocean, and as it is apparent that Texas can, by liberality and harmony, concentrate the vast commercial interests of the railway lines converging at Cairo, Memphis and Vicksburg, upon one common centre and on one main trunk line in Texas, and appreciating the vast importance to Texas of securing this great commercial highway, connecting the oceans, and over which must pass a very large proportion of the wealth and travel of this continent, of Europe, and the old world; and believing the construction of such grand trunk line through Texas would insure tapping lines from every part on our own gulf coast, and that our people, without exception, are heartily in favor of the most liberal policy to secure an end so desirable, the committee ask the adoption of the amendments and the passage of the bill.

W. A. SAYLOR,

Chairman.

First amendment: In section one, third line, between the words "bonds" and "payable," insert "in sums of one thousand dollars each." In fifth line of first section between the words "shall" and "be," insert "be denominated its first mortgage bonds and." In same section, seventh line, between the words "Texas" and "signed," insert "and his successors in office as trustee, and be."

In ninth line of same section after the words "Comptroller of," and before the word "the," insert "public accounts of." After the word "expressed," the last word of section, add the following: "in trust for the purpose of securing the payment of said bonds."

In section two, ninth line, strike out the words "to the extent of thirty, and insert "not to exceed twenty-five." At the end of section two add "provided, nothing in this act shall be so construed as to make the State liable for the principal of said bonds."

In section three, first line, strike out the words "thirty days," and insert "six months."

In third section and third line, after the word "when," and before the word "said," insert "one hundred miles of;" and in fourth line of same section, between the words "year" and "to," insert the word "thereafter."

In same section, eleventh line, strike out the word "run," and insert "operated;" and end of same section add the words, "and to pay all expenses incurred by said default."

In section five, fourth line, strike out the words "for five," and insert the word "until." At the end of same section add, after the last word "completion," the words "to the twenty-third degree from Washington."

Add additional section :

SEC. 8. That the mortgage authorized by the first section of this act shall specify the particular parts of said road by sections, which it is intended to be included in the same, and the number of bonds to be issued, which section so included, and the number of bonds to be issued and secured by said mortgage, shall never exceed twenty-five thousand dollars per mile upon any section of said road.

Add the following as

SEC. 9. That instead of a deposit of the money to pay the interest as provided by the third section of this act, the company may place in the Treasury of the State, from time to time, such an amount of United States securities as the Governor may deem necessary to provide for the accruing interest on the bonds guaranteed by the State, and upon default of the company to promptly meet its interest, the Governor shall direct the sale of the bonds so deposited, or a sufficient amount thereof, to meet the interest due. And in the event that the State should at any time become liable, and pay the interest on any of the bonds guaranteed by the State, it shall be the duty of the Comptroller of Public Accounts to direct the assessment and collection of taxes sufficient to meet the same.

Reports of Committee on Internal Improvements :

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 157, entitled "An Act to incorporate the Colorado Railroad Company," also Senate bill No. 156, "An Act to incorporate the Texas Mining Company," also Senate bill No. 217, "An Act to incorporate the Houston, San Jacinto Canal and Navigation Company," respectfully report they have had the same under consideration, and recommend that they do pass.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 332, "Authorizing the county courts to sell the school lands situated in their respective counties," and Senate bill No. 146, "Prescribing the powers and duties of clerks of district courts," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL

On motion of Senator Mills the rules were suspended to take up Senate bill No. 317, "An Act making an appropriation for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiency incurred in the support of the State government for the fiscal year ending August 31, 1870."

Bill read second time.

[Senator Ruby in the Chair.]

Senator Alford offered to amend by striking out the "appropriation of \$35,000 for district attorneys."

Lost.

Senator Bowers offered the following amendment: amend by adding the words, "for pay of pension claims for first half of year 1865, \$1037 50."

Adopted.

Senator Mills offered the following amendment :

For salary of Assistant Attorney General.....\$3,000
 For two clerks Attorney General's office..... 3,600

Adopted.

Senator Pickett offered the following amendment: section one, line two, after the word "sums," insert, "or so much thereof as may be necessary."

Adopted.

Senator Bowers offered the following amendment: strike out all of line seven, section one, and insert "for previous years."

Adopted.

[The President in the Chair.]

Senator Mills offered the following: Under the head of "State Department," amend by striking out "clerk," line two, and adding "two clerks," and striking out in same line "1500," and inserting "3000;" also strike out all of line three.

Adopted.

Senator Saylor offered the following amendment: Amend page thirteen, under "Adjutant General's Office," after line four:

ENGINEER'S OFFICE.

For salary of State Engineer.....\$2,000
 For expenses of same..... 2,000

Lost.

On motion of Senator Mills passed to engrossment.

Rules suspended, bill passed to third reading; read third time and passed.

Yeas---Mr. President, Alford, Baker, Bell, Bowers, Clark, Cole, Dohoney, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Saylor, Shannon--22.

Nays--None.

Absent---Flanagan, Fountain, Pridgen--3.

Not voting---Broughton, Douglas, Evans, Latimer--4.

By leave, Senator Broughton introduced "An Act to organize and incorporate the East Line and Red River Railroad Company of Texas."

Read first time and referred to Committee on Internal Improvements.

Senator Baker moved to reconsider the vote of yesterday (evening session) on House bill No. 315, "An Act to incorporate the town of Round Top."

Yeas and nays taken on the motion to reconsider:

Yeas---Mr. President, Baker, Bell, Bowers, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor--17.

Nays--Alford, Broughton, Cole, Douglas, Evans, Latimer, Pickett, Shannon--8.

Absent--Clark, Dohoney, Flanagan, Fountain--4.

On motion of Senator Baker the bill was referred to a committee of three.

The Chair appointed Messrs. Baker, Cole and Alford.

By leave Senator Pyle introduced "An Act for the relief of the Texas and New Orleans Railroad Company."

Read first time and referred to Committee on Internal Improvements.

Special order, House bill No. 454, "An Act to provide for the appointment of public weighers."

Read second time.

On motion of Senator Alford, made special order for to-morrow at 10:30 A. M. One hundred copies ordered to be printed.

Special order, Senate bill No. 273, "An Act to provide for the sale of the Houston Tap and Brazoria Railway."

Bill read second time.

Senator Mills moved to postpone to Friday next.

Lost.

Senator Ruby moved to fill the blank in section three with \$50,000.

Adopted.

Senator Cole moved to make the bill the special order for to-morrow, 10 A. M.

Lost.

Senator Douglas offered the following amendment:

Amend section three: add, "Provided that the Governor of the State shall be authorized to purchase said railway, if in his discretion he may deem it necessary to protect the interest of the State, provided the Governor shall not bid more for said road than the indebtedness of the company to the school fund and interest thereon."

Adopted.

Rules suspended; bill read third time and passed by the following vote:

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Ford, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--24.

Nays--Alford, Evans, Mills--3.

Absent--Flanagan, Fountain--2.

Message from the House informing the Senate that the Speaker had signed in open session the following bills:

Enrolled bill No. 486, "An Act to authorize the Police Courts

of counties to levy and collect a special tax for the repair of public buildings."

Enrolled bill No. 172, "An Act to amend an act to incorporate Herman's University, approved January 27th, 1844, as amended by an act passed April 11th, 1846."

Enrolled bill No. 487, "An Act to repeal an act to prevent the sale of intoxicating drinks within the limits of the league of land, in Fayette county, granted to Franklin Lewis, on which the town of Ruttersville is situated."

Enrolled bill No. 260, "An Act to incorporate the town of Gatesville, Coryell county, Texas," signed by the President and returned to the House.

Report of Committee on Enrolled Bills:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined, and find correctly enrolled Senate bill No. 106, entitled "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of "The Gulf, Western Texas and Pacific Railway Company," and Senate bill No. 272, entitled "An Act to incorporate the North Texas Manufacturing Company," and Senate bill No. 252, entitled "An Act for the relief of Mrs. A. K. Foster, widow of Senator A. K. Foster, deceased," and to-day at 11 o'clock, A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

[Senator Ruby in the Chair.]

By leave, Senator Clark introduced "An Act to prevent the obstruction of navigable streams."

Read first time and referred to the Committee on Internal Improvements.

Message from the House, informing the Senate that the House had passed Senate bill No. 2, "An Act to incorporate the Jefferson and Shreveport Railroad Company; to provide the ways and means for constructing and maintaining their road; and to authorize the sale of said road, and the acquisition by the company of other road or roads," with the following amendment:

Amend section three by inserting in the blank, after the words "to consist of," the words "five or more."

Special order: House bill No. 478, "An Act to provide for a system of public free schools for the State of Texas."

Read third time.

Senator Pickett moved to amend section three, line ten, by inserting after the word "exceeding" the words "one-tenth of."

Senator Mills offered an amendment to the amendment by inserting "one-half of one per cent." instead of "one-tenth."

Yeas—Mr. President, Alford, Bell, Ford, Hertzberg, Mills, Priest, Rawson, Ruby, Saylor, Shannon—11.

Nays—Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Gaines, Hall, Latimer, Parsons, Pickett, Pettit, Pyle—15.

Absent—Flanagan, Fountain, Pridgen—3.

Lost.

The question recurring upon the adoption of the amendment offered by Senator Pickett, the yeas and nays were demanded and resulted as follows:

Yeas—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Shannon—12.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Lost.

The yeas and nays were demanded on the final passage, and resulted as follows:

Yeas—Mr. President, Alford, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Shannon—11.

Bill passed.

On motion of Senator Dohoney the Senate adjourned until 8 P. M. Tuesday, August 9, 1870.

EVENING SESSION.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present.

The Secretary carried to the House Senate bills Nos. 260, 273, 35, 164, 171, 174, 239, 264, 274, 304, 344.

On motion of Senator Pickett the rules were suspended to take up House bill No. 394, "An Act to incorporate Salter's Commercial and Library College."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Alford, Baker, Broughton, Clark, Cole, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Shannon—21.

Nays—None.

Bill passed and sent to the House.

On motion of Senator Flanagan the Senate concurred in the following House amendments :

Amend section three, after the words "to consist of," fill the blank by adding "five or more."

Senate bill No. 262, "An Act to change the present boundaries of Brazos and Burleson counties."

On motion of Senator Flanagan the Senate concurred in the following House amendment :

Amend by striking out in second section, fifth and sixth lines, the words, "the town of Lexington," and inserting instead the words, "the place receiving the majority of the votes cast at said election, as the county seat."

On motion of Senator Pickett the rules were suspended to take up Senate bill No. 107, "An Act to incorporate the Pine Island Bayou Bridge Company."

Bill read second time; rules further suspended and bill read third time.

Yeas and nays taken :

Yeas—Mr. President, Alford, Baker, Bowers, Clark, Cole, Douglas, Evans, Flanagan, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby—20.

Nays—None.

Absent—Bell, Broughton, Dohoney, Ford, Fountain, Hall, Pyle, Saylor, Shannon—9.

Bill passed.

Report of Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 273, "To provide for the sale of the Houston Tap and Brazoria Railway;" also Senate bill No. 164, "To incorporate the Navasota Insurance Company;" also Senate bill No. 239, "To incorporate the Bank of Sabine Pass;" also Senate bill No. 171, "To incorporate the Houston Hebrew Benevolent So-

ciety;" also Senate bill No. 264, "For the relief of the heirs of Lynn Bobo, deceased;" also Senate bill No. 304, "To prohibit the sale of intoxicating or spirituous liquors within the vicinity of George's Creek Seminary;" also Senate bill No. 35, "To incorporate the officers and members of San Antonio Harmonia Lodge No. 1, O. D. H. S.;" also Senate bill No. 274, "To incorporate Troupe Seminary;" also Senate bill No. 174, "To incorporate the Kemper City Bridge Company;" also Senate bill No. 344, "To incorporate the city of Calvert;" also Senate bill No. 260, "To incorporate the Texas Timber and Prairie Railroad Company," find the same to be correctly engrossed.

G. T. RUBY.

E. L. DOHONEY,

P. W. HALL.

By leave, Senator Priest offered the following report:

COMMITTEE ROOM,

Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Senate bill No. 295 has been for sometime before the Judiciary Committee. The press of business has prevented action on part of the committee, and time is so short now that ~~your~~ committee can only report it back and recommend it to the favorable consideration of the Senate.

The bill provides for a State tax of one hundred dollars, and a county tax of fifty, on all who sell spirituous liquors in any quantity—the treasurer's receipt to be all the license required.

The present tax on this class of our citizens is unreasonable and oppressive. If it be a moral wrong to sell liquor, it should be forbidden. The State should not license a wrong. If it be legal to sell, it should not be punished as a crime simply for the sake of making a revenue to the State. Even if this be the object of such oppressive taxation, the object fails, as but comparatively few can engage in the traffic—those who have means. If it be allowed at the tax here imposed, the revenue of the State from this source will be increased rather than diminished. Taxes should be uniform as far as practicable. These views are suggested not in advocacy of the improper use or sale of spirits, but in justice and right.

Respectfully submitted,

M. PRIEST,

Chairman.

On motion of Senator Priest the rules were suspended to consider the report.

Report of committee read.

Bill read second time.

On motion of Senator Pridgen the rules were suspended to take up Senate bill No. 291, "An Act to incorporate the Beaumont, Galveston and Coast Railway Company," with amendments.

Report of Committee read.

On motion of Senator Pridgen the amendment reported by the committee was rejected.

Bill read second time.

Senator Pridgen moved to amend by striking out sections eight, nine, ten and eleven.

Carried.

Rules suspended, bill passed to engrossment; rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Gaines, Hall, Hertzberg, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—23.

Nays—None.

Absent—Bell, Evans, Fountain, Latimer, Parsons, Saylor—6.

Bill passed.

On motion of Senator Pyle the rules were suspended to take up House bill No. 439, "An Act to incorporate the Colorado Valley Immigration Company."

Bill read first time.

Senator Hertzberg moved the bill be referred to Committee on Immigration.

Lost.

Rules suspended, bill read second time.

Senator Gaines moved to amend by striking out section four.

Yeas and nays taken:

Yeas—Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Mills, Parsons, Pickett, Priest, Ruby, Shannon—13.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Flanagan, Latimer, Pettit, Pridgen, Pyle, Rawson—12.

Absent—Ford, Fountain, Hall, Saylor—4.

Amendment adopted.

Senator Dohoney offered the following amendment.

Strike out section six.

On motion of Senator Bowers the further consideration of the bill was postponed until to-morrow evening.

MESSAGE FROM THE GOVERNOR.

AUSTIN, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: I herewith return to your House, where it originated, "An Act to incorporate the Austin Bridge Company," with a request that the same be reconsidered.

I return this act for the main reason that a good bridge ought to be built across the Colorado at Austin, and this act may have the effect to keep the present inefficient pontoon for thirty years to come. This pontoon bridge is of very little service when the water is low, because the river is then fordable; and when the water is high it cannot be used at all. This act fixes an exorbitant tariff of charges, and prohibits any other ferry or bridge for a distance of four miles in front of Austin, for thirty years. This is a monopoly that there will not be even the excuse of a good serviceable bridge to compensate for.

Under the general law regulating ferries, these persons can secure all ferry privileges that they are fairly entitled to, by application to the police court, and I suggest that they be remitted to that tribunal.

Very truly,

(Signed)

EDMUND J. DAVIS,

Governor.

On motion of Senator Flanagan the reading of the message was dispensed with.

Message from the House informing the Senate the Speaker had signed in open session enrolled bill "An Act to legalize the organization and qualification of the county officers of Hamilton county, and to legalize the acts of the same."

Enrolled bill "An Act to incorporate the Houston City Street Railway Company."

Also, that the House had passed joint resolution No. 22, "Joint Resolution in relation to the salaries of provisional district judges."

Joint resolution No. 26, "Joint Resolution authorizing the Treasurer of the State of Texas to pay to the order of the board of managers of the State Lunatic Asylum, certain funds retained in the treasury by special act, approved June 15, A. D. 1870."

House bill No. 151, "An Act for the relief of railroad companies indebted to the State for loans from the special school fund."

House bill No. 180, "An Act to ascertain and adjudicate certain claims for land against the State, situated between the Nueces and Rio Grande rivers."

House bill No. 212 "An Act to incorporate the French Benevolent and Mutual Assistance Society of Galveston, Texas."

House bill No 383, "An Act to incorporate the Lake Fork Toll Bridge Company."

House bill No. 343, "An Act to provide for the obtaining and transcribing of the several acts or charters founding the towns of Reynosa, Camargo, Mier and Guerro in the Republic of Mexico, and of Laredo in Texas."

House bill No. 507, "An Act appropriating certain moneys for the use of the State Lunatic Asylum."

House bill No. 184, "An Act to authorize Car Forrest to erect a toll bridge over Chamber's Creek, in Ellis county, Texas."

House bill No. 506, "An Act to amend an act entitled 'An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin, approved July 19, 1870.'"

House bill No. 505, "An Act to change the county line between the counties of Bexar and Medina."

Whereupon the enrolled bills were signed by the President and returned to the House.

On motion of Senator Rawson the rules were suspended to take up Senate bill No. 334, "An Act to add a part of the county of Refugio, herein described, to the county of San Patricio."

Rules suspended, bill read second time and passed to engrossment; rules further suspended, bill read third time and passed.

On motion of Senator Ruby the rules were suspended to take up House bill No. 166, "An Act to incorporate the Southwestern Insurance and Trust Company.

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Clark, Cole, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—23.

Nays—None.

Absent—Broughton, Dohoney, Douglas, Fountain, Pickett, Saylor--6.

Bill passed.

On motion of Senator Shannon the rules were suspended to take up House bill No. 184, "An Act to authorize Car Forrest to erect a toll bridge over Chamber's Creek, in Ellis county, Texas."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Cole

Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--24.

Nays--None.

Absent--Fountain, Saylor--2.

Not voting--Broughton, Clark, Pickett--8.

Bill passed.

On motion of Senator Campbell, the rules were suspended to take up House bill No. 496, "An Act to require the judge of the Twentieth Judicial District to hold a special term of the District Court of Lavaca county."

Bill read first time; rules suspended, bill read second and third times and passed.

On motion of Senator Alford, the rules were suspended to take up Senate bill No. 242, "An Act for the relief of Jacob T. Chandler."

Bill read second time.

Senator Priest moved the postponement of the bill until the second Tuesday in January, 1871. Carried.

On motion of Senator Baker, the rules were suspended to take up House bill No. 376, "An Act for the relief of Andrew J. Nichols."

Bill read second time; rules further suspended and bill read third time and passed.

On motion of Senator Bell, the rules were suspended to take up House bill No. 407, "An Act to provide for the salaries and fees of District Attorneys *pro tem*."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time and passed.

Senator Bowers offered the following resolution:

Resolved, That H. R. Latimer be granted leave of absence the balance of the session, commencing Friday, August 12, 1870.

Adopted.

On motion of Senator Bowers, the rules were suspended to consider the Governor's veto on Senate bill No. 162, "An Act to incorporate the Austin Bridge Company."

Senator Bowers moved the Senate, on reconsideration, pass the bill.

Yeas and nays taken:

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pickett, Priest, Pridgen, Pyle, Shannon--19.

Nays--Gaines, Hall, Hertzberg, Pettit, Rawson, Ruby--6.

Absent--Ford, Fountain, Parsons, Saylor--4.

So the Senate, on reconsideration, passed the bill over the Governor's veto.

On motion of Senator Dohoney, the Senate adjourned.